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6 **BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

7 IN THE MATTER OF:

LCB NO. 22,886

LCB NO. 22,889

8 TERESA MARTINEZ LARA d/b/a  
9 TIENDA LA MODERNA

FINAL ORDER OF THE BOARD

10 304 SOUTH WAPATO AVE.  
11 WAPATO, WA 98951-1347

~~[PROPOSED]~~

12 LICENSEE

13 LICENSE NO. 076321

AVN NOS. 4F8297A, 4F8255A

14 THIS MATTER having come before the Washington State Liquor Control Board  
15 (Board) and the Washington State Liquor Control Board Education and Enforcement Division  
16 (Enforcement), having been represented by its attorneys, ROBERT M. MCKENNA, Attorney  
17 General and BRIAN J. CONSIDINE, Assistant Attorney General, and TIENDA LA  
18 MODERNA of Wapato, Washington, having been represented by TERESA MARTINEZ  
19 LARA, Licensee, and the parties having voluntarily entered into a stipulated settlement  
20 agreement for LCB Nos. 22,886, arising from Administrative Violation Notice (AVN)  
21 4F8297A, and 22,889, arising from AVN No. 4F8255A, the Board having considered the  
22 stipulated settlement agreement and Enforcement's Memorandum recommending acceptance  
23 of the stipulated settlement agreement, and the Board having had the opportunity to review the  
24 file materials maintained in this case, now therefore:

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26 ///

1 IT IS HEREBY ORDERED that:

- 2 1. The allegation set forth in AVN No. 4F8255A is sustained and the Licensee shall  
3 pay a monetary penalty of five thousand dollars (\$5,000.00) to:

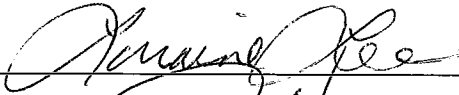


4 Washington State Liquor Control Board  
5 Enforcement and Education Division  
6 3000 Pacific Ave. SE  
7 PO Box 43094  
8 Olympia, WA 98504-3094

9 In the event the Licensee cannot make full and timely payment of the monetary  
10 penalty of five thousand dollars (\$5,000), the Licensee shall serve a ten (10) day  
11 suspension of its liquor license, the dates and time of which shall be set by the  
12 Washington State Liquor Control Board.

- 13 2. Enforcement will convert AVN No. 4F8297A issued on November 14, 2008, to a  
14 written warning. The Pasco Enforcement Office shall issue the written warning.

15 DATED this 23<sup>rd</sup> day of April, 2009.

16 WASHINGTON STATE LIQUOR CONTROL BOARD

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25 TIENDA LA MODERNA  
26 LICENSE NO. 076321  
LCB NOS. 22,886 AND 22,889  
AVN NOS. 4F8297A, 4F8255A

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ATTORNEY GENERAL  
OF  
WASHINGTON

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

LCB NO. 22,886 & 22,889

TERESA MARTINEZ LARA d/b/a  
TIENDA LA MODERNA

304 SOUTH WAPATO AVE.  
WAPATO, WA 98951-1347

LICENSEE

LICENSE NO. 076321  
AVN NOS. 4F8297A, 4F8255A

STIPULATED SETTLEMENT  
AGREEMENT

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement), by and through its attorneys, ROBERT M. MCKENNA, Attorney General and BRIAN J. CONSIDINE, Assistant Attorney General and TIENDA LA MODERNA of Wapato, Washington, by and through TERESA MARTINEZ LARA (Licensee), hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) case numbers 22,886 and 22,889, arising from Administrative Violation Notices (AVNs) 4F8297A and 4F8255A.

**I. INTRODUCTION**

1. In LCB No. 22,889, the Washington State Liquor Control Board Education and Enforcement Division issued to the Licensee AVN No. 4F8255A alleging that on or about September 11, 2008, the above-named Licensee, or an employee(s) thereof, allowed a person apparently under the influence of liquor to purchase liquor on the licensed premises, in violation of RCW 66.44.200 and WAC 314-16-150(2).

1           2.     In LCB No. 22,886, the Washington State Liquor Control Board Education and  
2 Enforcement Division issued to the Licensee AVN No. 4F8297A alleging that on or about  
3 October 23, 2008, the above-named Licensee, or an employee(s) thereof, allowed a person  
4 apparently under the influence of liquor to purchase liquor on the licensed premises, in  
5 violation of RCW 66.44.200 and WAC 314-16-150(2).

6           3.     Enforcement and the Licensee wish to enter into a settlement agreement  
7 concerning the above-referenced AVNs.

## 8                               **II.     AGREEMENT OF THE PARTIES**

9           Prior to the filing of administrative complaints, Enforcement and the Licensee have  
10 agreed to resolve AVN Nos. 4F8297A and 4F8255A via settlement. Enforcement and the  
11 Licensee agree to the following:

12           1.     The parties enter into this agreement to avoid the time and expense of further  
13 litigation.

14           2.     The Licensee explicitly waives the right of further administrative review of all  
15 matters related to both of the above-referenced cases and AVN's. Furthermore, the Licensee  
16 hereby voluntarily withdraws its request for a hearing in this matter.

17           3.     This Agreement constitutes the final written expression of all the terms of this  
18 Agreement, and it is a complete and exclusive statement of these terms.

19           4.     The Licensee admits to the violation set forth in AVN No. 4F8255A.  
20 Specifically, on or about September 11, 2008, the Licensee allowed a person apparently under  
21 the influence of liquor to purchase liquor on the licensed premises, in violation of RCW  
22 66.44.200 and WAC 314-16-150(2).

23           5.     The parties agree that AVN No. 4F8297A issued on November 14, 2008, will  
24 be converted to a written warning complaint based on changes made to Licensee's store policy  
25 concerning liquor sales to customers, and the Licensee's clear administrative record since the  
26 incident of October 23, 2008.

1           6.     The Licensee agrees to the following penalty:

2                 a.     In LCB No. 22,889, the Licensee agrees to pay a monetary penalty of  
3 five thousand dollars (\$5,000.00) within 30 days of the date of the Final Order of the Board.

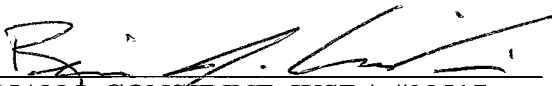
4 Payment shall be sent to:

5                                 Washington State Liquor Control Board  
6                                 Enforcement and Education Division  
7                                 3000 Pacific Ave. SE  
8                                 PO Box 43094  
9                                 Olympia, WA 98504-3094

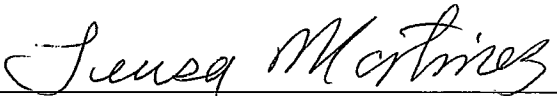
10                 b.     In the event that the Licensee cannot make full and timely payment of  
11 the monetary penalty as required in Section II, Paragraph 6(a), the Licensee shall serve a ten  
12 (10) day suspension of its liquor license, the dates and time of which shall be set by the  
13 Washington State Liquor Control Board.

14                 7.     The parties recognize that this settlement agreement is subject to approval by  
15 the Washington State Liquor Control Board.

16 ROBERT M. MCKENNA  
17 Attorney General

18   
19 BRIAN J. CONSIDINE, WSBA #39517  
20 Assistant Attorney General  
21 Attorneys for LCB Enforcement

22 4/10/09  
23 DATE

24   
25 TERESA MARTINEZ LARA  
26 Licensee

4-6-09  
DATE